

**INSTRUCTION SHEET FOR  
PETITION FOR DESTRUCTION OF RECORDS OF ARREST OR EXPUNGEMENT OF  
RECORDS  
UNDER TITLE 11 DEL. CODE. §4371-4374**

PLEASE REVIEW ATTACHED §4372 TO BE SURE YOUR CASE QUALIFIES FOR EXPUNGEMENT.

- The petition must be filed in the County where the case was terminated disposed of or concluded.
- If the arrest occurred in New Castle County or Sussex County, you should contact the Prothonotary's Office in that County for a copy of the correct form.

New Castle County	(302) 255-0800
Sussex County	(302) 856-5740

- If the petitioner was a **minor (under 18 years of age)** at the time of arrest, the petition must be obtained and filed in **Family Court** in the proper County. If petitioner is an adult arrested under the jurisdiction of Family Court, refer to Family Court's 10 Del. C. §1025.
- If you pled guilty, are on probation or had a fine, you must have the charges **Pardoned** by the Governor, which is done through the Secretary of State, located at the Townsend Building. You may contact them at (302) 739-4111.

**I. FILING INSTRUCTIONS**

A. No petition will be accepted for filing unless **ALL FORMS** are **COMPLETE, SIGNED, NOTARIZED AND STAPLED TOGETHER PROPERLY.**

1. The "SET" includes:
  - a. the petition
  - b. order
  - c. verification
  - d. affidavit of mailing – **ONLY** required if processing by mail

B. After completing the set and before making the copies:

1. Have the verification form notarized
2. Have the affidavit of mailing notarized, if applicable
3. Make two (2) copies
  - a. One copy for Attorney General
  - b. One copy for your records.

C. If hand delivering to the Attorney General, take the original set and one (1) copy of the set to:  
Attorney General's Office  
102 W. Water St.  
Dover, DE 19901

**\*\*The Attorney General will keep one (1) COPY and will stamp the ORIGINAL as being received on that date. The stamped ORIGINAL set will be returned to you. Bring that to the Prothonotary's Office. \*\***

D. If completing by mail:

Mail one (1) copy of the completed forms to the Attorney General's Office. Send the ORIGINAL petition with the affidavit of mailing, and \$75.00 NON-REFUNDABLE filing fee to the Prothonotary's Office.

**II. COURT PROCEDURES:**

- A. The Prothonotary will docket and maintain the petition until the Department of Justice sends a letter to the Court indicating its position. The Prothonotary will send the petition to the Civil Office Judge, who will grant or deny the petition.
- B. If the Attorney General opposed the petition, a letter will be sent to the petitioner or petitioner's attorney, if any, requesting that a hearing be scheduled.
  - 1. If you request a hearing it needs to be done in writing.
  - 2. If you do not want to proceed this also needs to be put in writing.
- C. If the petition is granted, the Prothonotary will deliver, by regular mail, certified copies of the signed order to the petitioner or petitioner's attorney, the Department of Justice, the Delaware State Police, the local arresting police agency, the criminal department of the Prothonotary's Office, the State Bureau of Identification, Federal Bureau of Identification, Court of Common Pleas, and any other agency so directed by the order.
- D. This process takes approximately twelve (12) weeks to complete.

**IF YOU HAVE ANY QUESTIONS REGARDING THIS PROCEDURE  
PLEASE CALL THE CIVIL DIVISION AT (302) 739-3184 EXT. 7**